

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-24 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0013716 of Dunham et al. ("Dunham") in view of U.S. Patent No. 6,042,005 to Basile et al. ("Basile"), U.S. Patent No. 6,335,688 to Sweatte ("Sweatte"), and U.S. Patent Application Publication No. 2003/0037063 of Schwartz ("Schwartz").

By this Amendment, Applicants propose to amend claims 1 and 13, taking care not to add any new matter. Claims 1-24 remain pending, with claims 1 and 13 being independent. Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections.

I. The § 112, First Paragraph, Rejection of Claims 1-24

The Examiner rejected claims 1-24 under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement. The Examiner asserted that "there is no support for the **simultaneous** monitoring of both physical and financial welfare information for a plurality of children." Final Office Action at 2 (emphasis in original). Applicants disagree.

A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the Examiner to rebut the

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

presumption. M.P.E.P. § 2163.04 (citing *In re Marzocchi*, 439 F.2d 220, 224 (CCPA 1971)). The Examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. Id.

Applicants submit that the Examiner has failed to establish a *prima facie* case of inadequate written description and failed to provide reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed. The specification, at least in FIGS. 22-24, describes monitoring physical welfare and financial welfare of a plurality of children in the welfare system simultaneously. For example, FIG. 22 depicts one embodiment in which the welfare of Megan Peters, Alice Peters, and John Peters is simultaneously monitored. FIG. 23 depicts another embodiment where the welfare of Megan Peters, Alice Peters, John Peters, Mike Jones, William Smith, Peter Roberts, Melissa Roberts, Heather Michaels, and Alyssa Meredith is simultaneously monitored. FIG. 24 depicts yet another embodiment in which the welfare of Persons #001 through #003 is simultaneously monitored.

In addition, both FIGS. 22 and 24 shows examples of embodiments in which ACTIVITIES and PAYMENT tabs are simultaneously displayed at the bottom of the web pages for monitoring physical welfare and financial welfare of the plurality of children. The specification, at page 7, lines 11-17, discloses a tracking system for “payments” where the PAYMENTS include cash benefits (at least financial welfare), clothing allowances, eligibility data, Medicaid services, and immunization records (at least physical welfare). Therefore, the specification provides adequate written descriptions for “monitoring physical welfare and financial welfare of the plurality of children in the

welfare system simultaneously,” as recited in independent claim 1 and similarly in independent claim 13. Claims 2-12 depend from independent claim 1, and claims 14-24 depend from independent claim 13. The Examiner did not specifically allege inadequate written description with respect to the dependent claims, and the dependent claims were rejected under 35 U.S.C. § 112, first paragraph, merely for depending from independent claim 1 or 13. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112, first paragraph, rejection of claims 1-24.

II. The § 103 Rejection of Claims 1-24 Based on Dunham, Basile, Sweatte, and Schwartz

Applicants respectfully traverse the § 103(a) rejection of claims 1-24 over Dunham in view of Basile, Sweatte, and Schwartz. A *prima facie* case of obviousness has not been established with respect to claims 1-24 as proposed to be amended.

“The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements.” M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves

would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, as proposed to be amended, recites, *inter alia*, “analyzing the combined child update information of the plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system.” The recited subject matter is neither disclosed nor fairly suggested by Dunham, Basile, Sweatte, and Schwartz, taken separately or in combination.

The Examiner alleged that Dunham discloses “facilitating securing additional funding for the plurality of children in the welfare system.” Final Office Action at 4. In particular, the Examiner alleged that “[t]he ability of the system to identify and obtain reimbursements discloses the facilitation of securing additional funding (i.e., in addition to the parts of the services that the client pays for).” Id. This is incorrect.

Dunham discloses a reimbursement in accordance with the entered in contract information. Dunham, paragraphs [0093]-[0094]. “A first step in using the system 10 for accounting type activities is the input of information. The system 10 keeps track of all contracts the participating organization has that relate to the provision of care.”

Dunham, paragraph [0094]. The Examiner admitted that “contract information is entered in system for county programs that reimburse for care provided.” Final Office Action at 4. Thus, the system of Dunham merely facilitates reimbursing for what the client paid in accordance with entered in contract information. Nowhere does Dunham teach or suggest facilitating securing “additional” funding.

In addition, Dunham discloses that “[t]he billing system automatically determines what services are reimbursable . . . and what services are not reimbursable.” Dunham, paragraph [0095]; see also Final Office Action at 4. For example, the system of Dunham can determine that \$30 may be reimbursable out of the service cost of \$100 in accordance with entered contract information. Dunham, paragraph [0095]. The Examiner attempted to mischaracterize this as “[t]he ability of the system to identify and obtain reimbursements [which] discloses the facilitation of securing additional funding.” Final Office Action at 4. Determining what portion of the service cost is reimbursable in accordance with entered in contract information for the purpose of generating a bill is not the same as securing additional funding.

Applicants, in order to advance prosecution, however, propose to amend the recited element to read “analyzing the combined child update information of the plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system.” The system of Dunham does not analyze the combined child update information of a plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system.

The Examiner relies on Basile, Sweatte, and Schwartz to cure the deficiencies of Dunham. Basile, Sweatte, and/or Schwartz, however, fail to teach or suggest the recited subject matter of proposed amended independent claim 1, as discussed below.

Basile is directed to “[a] personal identification system for children that includes two forms of identification.” Basile, Abstract. Basile has nothing to do with “analyzing the combined child update information of the plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system,” as recited in proposed amended independent claim 1, and the Final Office Action does not allege otherwise.

Sweatte is directed to a “method and system for airport or other building security.” Sweatte, Abstract. Sweatte has nothing to do with “analyzing the combined child update information of a plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system,” as recited in proposed amended independent claim 1, and the Final Office Action does not allege otherwise.

Schwartz is directed to “communicating, computing, monitoring and managing risk levels for individuals in high-risk environments.” Schwartz, ¶ 0001. Schwartz has nothing to do with “analyzing the combined child update information of the plurality of children in the welfare system to facilitate securing additional new funding for the plurality of children in the welfare system,” as recited in proposed amended independent claim 1, and the Final Office Action does not allege otherwise.

In view of the above-noted deficiencies of the Dunham, Basile, Sweatte, and Schwartz references, the Final Office Action has neither properly determined the scope

and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Also in view of those deficiencies, no combination of the applied references can possibly yield claim 1, nor could claim 1 have been predictable from the applied references. Further in view of those deficiencies, there would have been no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve Applicants' claimed combinations. Thus, the Final Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Independent claim 13, although of a different scope, is proposed to be amended to include elements similar to those discussed above with respect to independent claim 1. For reasons similar to the reasons set forth above with respect to independent claim 1, Dunham, Basile, Sweatte, and Schwartz fail to support the § 103(a) rejection of independent claim 13.

Claims 2-12 and 14-24 depend from independent claims 1 and 13, respectively. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request the withdrawal of the § 103 rejection of claims 2-12 and 14-24 at least by virtue of their dependence from claims 1 or 13, as well as by virtue of their recitation of additional elements not taught or suggested by the cited references.

III. Conclusion

Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing claims 1-24 in condition for allowance. Applicants submit

that the proposed amendments of claims 1 and 13 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

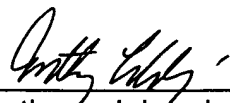
In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No 06-0916.

Respectfully submitted,

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